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APPLICATION NO.	D. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/604,603 08/04/2003		08/04/2003	John Francis Baxter JR.	21901	1602	
21901	7590	09/25/2006		EXAMINER		
SMITH HO	•		GORT, ELAINE L			
180 PINE A OLDSMAR				ART UNIT	PAPER NUMBER	
<del>-</del>				3627		

**DATE MAILED: 09/25/2006** 

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No. Applic		Applicant(s)	icant(s)				
	Office Action Commence	10/604,603		BAXTER, JOHN FRANCIS					
	Office Action Summary	Examiner		Art Unit					
_		Elaine Gort		3627					
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover	sheet with the co	rrespondence ad	idress				
WHIC - Exte after - If NO - Failt Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing led patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS CO 36(a). In no event, however will apply and will expire S , cause the application to	MMUNICATION. ver, may a reply be timely IX (6) MONTHS from the become ABANDONED	y filed e mailing date of this c (35 U.S.C. § 133).					
Status									
1)  🏻	Responsive to communication(s) filed on 06 M	arch 2006.							
	<u></u>	action is non-fina	I.						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposit	ion of Claims	·							
4) 🖂	☑ Claim(s) <u>1-35</u> is/are pending in the application.								
•	4a) Of the above claim(s) <u>8-30</u> is/are withdrawn from consideration.								
5)	Claim(s) is/are allowed.								
	Claim(s) is/are dilewed. Claim(s) <u>1,2,4-6,31 and 33</u> is/are rejected.								
· —	Claim(s) <u>1,2,4-0,57 and 35</u> is/are rejected.  Claim(s) <u>3,7,32,34 and 35</u> is/are objected to.								
·	Claim(s) <u>5,7,52,54 and 55</u> is/are objected to:  Claim(s) are subject to restriction and/or election requirement.								
Applicat	ion Papers								
	The specification is objected to by the Examine	r							
		·	ected to by the Ex	zaminer					
. ٧,	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
			•	` ,	FR 1 121(d)				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
	under 35 U.S.C. § 119								
		nriority under 35 l	150 8 110(a) (	(d) or (f)					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:									
u)	1. Certified copies of the priority documents	s have been recei	hav						
	2. Certified copies of the priority documents			a No					
	3. Copies of the certified copies of the prior			<del></del>	Stage				
	application from the International Bureau			III tilis National	Stage				
* 5	See the attached detailed Office action for a list of	•	**						
Attachmen	t(e)								
	e of References Cited (PTO-892)	<i>A</i> 3	nterview Summary (P	TO-413\					
	e of Draftsperson's Patent Drawing Review (PTO-948)		riterview Summary (P Paper No(s)/Mail Date	<u> </u>					
3) 🔀 Infori	mation Disclosure Statement(s) (PTO/SB/08)	, h	Notice of Informal Pate	ent Application					
гаре	r No(s)/Mail Date <u>12/7/04; 9/11/03; 8/4/03</u> .	6) L_J C	Other:						



Application/Control Number: 10/604,603

Art Unit: 3627

#### **DETAILED ACTION**

#### Election/Restrictions

Claims 8-30 are withdrawn from further consideration pursuant to 37 CFR 1. 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 3/6/06.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 2, 4-6, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 2004/0019524) in view of Collins-Rector et al. (US Patent 6, 188, 398).

Marshall discloses a method of presenting purchasing information within a DVD having video content (see paragraph 0041) comprising the steps of : identifying product sought to be sold (paragraph 0012), capturing at least one frame of the video content showing the product (figure 4 and paragraphs 0029-0030), graphically modifying the frame to enhance the presence of the product (figure 4 graphically enhances the frame by reducing the view and adding a title), creating a menu interface with the frame (figure 4 adding of menu of product information in scene 15 and 16), creating a selectable menu button associated with the product (figure 4 creates numbered indicators for items shown as 17), creating a second menu having purchasing information for the product

Application/Control Number: 10/604,603

Art Unit: 3627

(such as menu shown in figure 5 giving product information 20 and ability to visit product web page 21), the second menu displayed responsive to the activation of the button (figure 5 is shown in response to the selection of the numerical identification 17, see also paragraph 0029);

(regarding claim 2) where the selectable menu button is defined by an image of the product (see figure 4 where the numerical identification 17 is defined by the images within the frame);

(regarding claim 4) the step of presenting a plurality of modified frames associated with a plurality of different products on at least one menu (see figure 3);

(regarding claim 5) the step of generating submenus for the plurality of different products, each submenu displaying additional detail on the associated product (see figure 5 menu giving product information and link to product web page having additional detail on the associated product);

(regarding claim 31) where the advertising content recorded on the disc and delivered to the viewer is recorded on a storage means (the DVD disclosed in paragraph [0014] and [0041] is construed as a "storage means");

(regarding claim 33) where the advertising content is theatrical trailers for motion picture productions (paragraph [0041] discloses the placement of the motion picture product catalog on the same DVD as a movie and therefore is construed to be a "theatrical trailer" for a motion picture production); and

(regarding claim 6) dividing a feature into a plurality of chapters (for example the feature is divided by scenes as shown in figure 3), generating a menu background of

Application/Control Number: 10/604,603

Art Unit: 3627

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each individual chapter (generating of the frame as shown in all of figure 4 for each scene), inserting at least one product information button over the menu background (such as the inserting of the numerical identification 17 numbers shown in the image on the frame of figure 4), responsive to the activation of the at least one product information button linking to a product information menu having data on at least one product in the individual chapter played in the menu background (activation by selection of numerical identification17 links to a product information menu, shown on figure 5 and product web page, having data on the product in the chapter played in the menu background).

## Allowable Subject Matter

4. Claims 3, 7, 32, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3627

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SiX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elaine Gort Primary Examiner Art Unit 3627

September 16, 2006